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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,935	05/23/2001	Sameer Siddiqui	NTECP001	1680
7590 08/24/2004				
Sameer Siddiqui 1762 Technology Drive, Suite 226 San Jose, CA 95110			EXAMINER EDELMAN, BRADLEY E	
			ART UNIT 2153	PAPER NUMBER

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/864,935

Applicant(s)

SIDDIQUI, SAMEER

Examiner

Bradley Edelman

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/29/01, 10/09/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is a first Office action on the merits of this application. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially" in claim 2 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

2. Claims 1-12 and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 1 describes in the preamble "a method of sending network device instructions to a network device." However, the body of the claim does not describe either a "network device instruction" or a "network device." Thus, the claim lacks the

essential steps linking the network device mentioned in the preamble with the steps claimed in the body of the claims.

In further discussing claim 1, the claim also lacks essential steps of deriving proxy agent instructions from the application instructions, which would be necessary to carry out the step of "uploading proxy agent instructions derived from the application instructions to a mail server," and of downloading the proxy agent instructions by a proxy agent, which would be necessary to carry out the step of "confirming that the proxy agent instructions have been downloaded by a proxy agent." The claim is confusing without these essential steps, and the invention as claimed would not operate without these steps.

Claims 2-12 and 18 depend from claim 1 and are therefore rejected as well.

Claim 19 suffers from the same shortcomings as claim 1, and is thus rejected for the same reasons.

In a similar manner, claim 5 describes "determining the proxy agent that is associated with the network device," but does not describe associating a proxy agent with a network device.

Furthermore, claim 6 describes, "specifying the address of the proxy agent that is to execute the proxy agent instructions," but does not describe selecting or choosing a proxy agent is to execute the proxy agent instructions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by L'Heureux et al. (U.S. Patent No. 6,697,942, hereinafter "L'Heureux").

In considering claim 1, L'Heureux discloses a method of sending network device instructions ("commands") to a network device ("DET") comprising:

Receiving an application instruction generated by an application (col. 5, lines 40-42, 55-59, wherein "GUI software 20" is used to "construct a complex message," which is received by a "command formatter 220");

Uploading proxy agent instructions derived from the application instructions to a mail server (col. 5, lines 55-67, col. 6, lines 1-5, wherein the "command formatter 220" converts the application instructions into "multiple data-type commands" and those commands are uploaded to the "SMTP server"); and

Confirming that the proxy agent instructions have been downloaded by a proxy agent (col. 6, lines 14-23, 29; col. 8, lines 48-50, wherein the e-mail is "downloaded" to the in-box at the DET, and the DET "automatically generates and sends a return e-mail message confirming at the embedded DET commands have been executed properly").

In considering claim 2, Examiner has interpreted the term "substantially the same" as simply meaning "the same." Thus interpreted, L'Heureux further discloses that the proxy agent instructions are the same as the application instructions (both are instructing the DET to perform the command).

In considering claim 3, L'Heureux further discloses encrypting the proxy agent instructions (col. 7, lines 60-63, wherein a "security key block" is used to encrypt the message).

In considering claim 4, L'Heureux further discloses authenticating the proxy agent instructions (col. 8, lines 4-5, "the decryption module 322 validates the message").

In considering claim 5, L'Heureux further discloses determining a proxy agent that is associated with the network device (col. 6, lines 1-11, wherein the POP server is the proxy agent, and the system determines the POP server associated with the device).

In considering claim 6, L'Heureux further discloses specifying the address of the proxy agent that is to execute the proxy agent instructions (col. 6, lines 60-65, wherein the in-box is the proxy agent and the sender specifies the address of the user's inbox).

In considering claim 7, L'Heureux, further discloses that confirming that the instructions have been downloaded by a proxy agent includes receiving an acknowledgment from the proxy agent that the instructions have been received (col. 8, lines 47-50, wherein the proxy agent is the user's e-mail program and it sends a confirmation message to the sender that the "DET commands have been executed properly").

In considering claim 8, L'Heureux further discloses that the mail server sends the proxy agent instructions to a proxy agent mail server from which the proxy agent may download the instructions (col. 6, lines 4-5, 13-14, 20-22, "SMTP server 130 then transfers the e-mail message to the target recipient's POP server 160," and "the e-mail message will be downloaded in the customary manner").

In considering claim 9, L'Heureux further discloses that the proxy agent downloads the instructions directly from the mail server (col. 5, lines 5-6, "the SMTP server 130 and the POP server 160 may be co-located" such that the messages are downloaded directly from the SMTP server).

In considering claim 10, L'Heureux further discloses that the proxy agent instructions are associated with a session identifier (col. 9, lines 4-10, wherein the "Data type x-clipmail identifies an e-mail message segment containing DET commands").

In considering claim 11, L'Heureux further discloses that the proxy agent instructions are associated with a session identifier and wherein the session identifier is used to identify the proxy agent instructions downloaded by the proxy agent (col. 9, lines 4-10, wherein the "Data type x-clipmail identifies an e-mail message segment containing DET commands").

In considering claim 13, L'Heureux discloses a method of receiving network device instructions ("commands") for a network device ("DET") comprising:

Downloading a message from a mail server (col. 6, lines 12-14, "the next time the target recipient logs into the POP server 160 for an e-mail session, the e-mail message will be downloaded"), the message including the network device instructions (col. 5, lines 55-67, "command");

Authenticating the message (col. 8, lines 4-5, "the decryption module 322 validates the message"); and

Parsing the instruction (col. 8, lines 5-6, "the parser module 312 separates the message into command data blocks").

In considering claim 14, L'Heureux further discloses that the network device instructions are derived from instructions generated by an application (col. 5, lines 40-41, 55-60, "GUI software").

In considering claim 15, L'Heureux further discloses sending an acknowledgment that the instructions have been received (col. 8, lines 47-50, "return e-mail message confirming that the embedded DET commands have been executed properly," and thus implicitly confirming that the instructions have been received).

In considering claim 16, L'Heureux further discloses executing the instructions and uploading the results to the mail server (col. 8, lines 47-50, "generates and sends return e-mail message confirming that the embedded DET commands have been executed properly").

In considering claim 17, L'Heureux further discloses managing a network according to the network device instructions (col. 4, lines 10-15; col. 5, lines 33-46, wherein configuring the remote computer constitutes managing the network).

In considering claim 18, L'Heureux further discloses gathering network data according to the network device instructions and reporting the results (col. 8, lines 47-50, wherein the network device "generates and sends return e-mail message confirming that the embedded DET commands have been executed properly" thereby gathering data regarding the results of the command and reporting the results to the sender).

In considering claim 19, L'Heureux discloses a proxy agent manager ("PC") for sending network device instructions ("commands") to a network device ("DET") comprising:

An application interface ("command formatter 220") configured to receive an application instruction ("command") generated by an application ("GUI," col. 5, lines 25-30, 40-41, 55-60); and

A mail server interface ("SMTP server 130") configured to upload proxy agent instructions derived from the application instructions to a mail server and configured to confirm that the proxy agent instructions have been downloaded by a proxy agent (col. 6, lines 1-5, 20-22, 29; col. 8, lines 47-50, wherein the server uploads the instructions and wherein the proxy agent at the DET responds with a confirmation through the same e-mail servers).

In considering claim 20, L'Heureux discloses a network device for executing instructions from a remote manager comprising:

A mail server interface configured to download a message from a mail server (col. 6, lines 12-14, "the next time the target recipient logs into the POP server 160 for an e-mail session, the e-mail message will be downloaded"), the message including the instructions (col. 5, lines 55-67, "command"); and

A processor configured to authenticate the message and to parse the instructions (col. 8, lines 4-6, "the decryption module 322 validates the message, the parser module 312 separates the message into command data blocks...").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over L'Heureux, in view of features that are well known in the art.

In considering claim 12, although L'Heureux discloses using decryption and security keys to encrypt and secure messages sent across the network, L'Heureux does not disclose the use of a firewall, such that the network device is behind a firewall as claimed. Nonetheless, Examiner takes Official notice that the use of Firewalls on the Internet and over e-mail systems is well known in the art (for instance, the USPTO e-mail system has used firewalls for security since at least 1999). Given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of placing the network device taught by L'Heureux behind a firewall to increase security and prevent hackers from accessing the device. Therefore, it would have been obvious to place the DET taught by L'Heureux behind a firewall.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 703-306-3041. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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August 20, 2004